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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,844	02/22/2002	Chih M. Lin	10121-9840	9673
23409	7590	12/02/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			FREAY, CHARLES GRANT	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/080,844	Applicant(s) LIN ET AL.	
	Examiner Charles G Freay	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-23, 25-29 and 32-39 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-12, 30, 31 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment and remarks of October 1, 2004. In making the below rejections and or objections the examiner has considered and addressed each of the applicant's arguments.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 are confusing because they set forth that there is a driven element including a housing having first raised and first non-raised portions defining a first surface pattern. Further the claims set forth that the driven element has first and second housings with either a strainer or a filter and the first surface pattern is on the second housing. A filter or a strainer is not a driven element. It is stationary and the flow created by the driven element flows through it. Therefore, the driven element should not be set forth as having the first surface pattern on it and the filter or strainer should not be mentioned as part of the driven element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlatte (USPN 5,311,090) in view of Kunze et al (USPN 5,012,861).

Ferlatte discloses a driven member (fan 15) in a housing (26), a driving member which is an electric motor (18) having a conduit box (20) having a base (wall closest to motor in Fig. 2) and side walls. The motor has a shield (28) which is coupled the motor and the conduit box (indirectly). Ferlatte does not disclose the housing and the shield having surfaces patterns of raised and non-raised portions. Kunze et al discloses that the housing of a machine has been made of a pattern having raised and non-raised portions. At the time of the invention it would have been obvious to one of ordinary skill

in the art to make the housing and shield of Ferlatte to have a surface pattern as taught by Kunze et al in order to obtain the many favorable properties of such a wall shape (note col. 1 lines 27-52 of Kunze et al). It further would have been obvious to repeat the pattern in a similar manner for aesthetics.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Base et al (USPN 6,485,257) in view of Kunze et al (USPN 5,012,861).

Base et al disclose a driven member (impeller (124)) in a housing (102), a driving member which is an electric motor (206). The motor has a shield (the surrounding housing of the motor). Further there are filters (210a, 210b) having housings. Base et al do not disclose the housing having surfaces patterns of raised and non-raised portions. Kunze et al discloses that the housing of a machine has been made of a pattern having raised and non-raised portions. At the time of the invention it would have been obvious to one of ordinary skill in the art to make the housing of Base et al have a surface pattern as taught by Kunze et al in order to obtain the many favorable properties of such a wall shape (note col. 1 lines 27-52 of Kunze et al). It further would have been obvious to repeat the pattern in a similar manner for aesthetics. The examiner notes that such pumps can be use on liquids and gases (air).

Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al (USPN 5,714,816) in view of Foster (USPN 3,747,573).

Jensen et al discloses an electric motor having a housing (shown in fig. 2) which has a surface pattern of raised and non-raised portions (cooling fins 7 and 9). At col. 1 lines 9-15 Jensen et al note that the motor is used to drive a rotary pump. Foster discloses a well known rotary pump having a housing (11) with cooling fins (86). At the time of the invention it would have been obvious to substitute the rotary pump of Foster for the suggested rotary pump of Jensen et al since it is a well known pump with a rotary input. The cooling fins on the outside of both the motor and the pump result in a well cooled and durable arrangement.

Allowable Subject Matter

Claims 13-23, 25-29 and 32-39 are allowed.

Claims 7-12, 30, 31 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

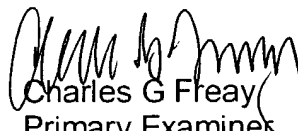
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muston et al, Clark, Toyota et al and Hsu disclose housing sections with raised and non-raised surface patterns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G Freay whose telephone number is 703-308-0639. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 703-306-2772. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles G Freay
Primary Examiner
Art Unit 3746